



W.P(MD)No.22201 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.22201 of 2026

and

W.M.P(MD)Nos.16537 & 16538 of 2026

St. Peter's Higher Secondary School,
Represented by its Correspondent,
Thangadurai,
Ukkirankottai,
Tirunelveli District.

... Petitioner

Vs

- 1.The Secretary to the Government,
Government of Tamil Nadu,
School Education (C2) Department,
Fort.St. George,
Chennai.
- 2.The Director of School Education,
DPI Compound, College Road,
Nungampakkam, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.



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4.The District Educational Officer (Elementary),
Tirunelveli District,
Tirunelveli.

5.The Administrative Committee
Represented by its Financial Administrator,
Tirunelveli Diocese,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order by the fourth respondent in Na.Ka.No.3615/A3/2026 dated 13.07.2026 and quash the same and consequently direct the respondents to approve petitioner/Y.Thangadurai as Correspondent of St. Peter's Hr. Sec. School based on the proposal dated 02.06.2026.

For Petitioner : Mr.S.Chella Pandian

For Respondents : Mr.M.Mahaboob Athiff (R1 to R4)
Special Government Pleader

: Ms.M.Ulagammal (R5)

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the fourth respondent in Na.Ka.No.3615/A3/2026 dated



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13.07.2026, to quash the same, and consequently direct the respondents to approve the petitioner, Y. Thangadurai, as the Correspondent of St. Peter's Higher Secondary School, based on the proposal dated 02.06.2026.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the Correspondent of St. Peter's Higher Secondary School, Ukkirankottai. According to the learned counsel, a dispute arose with regard to the educational agency of the said school, pursuant to which the fourth respondent passed the impugned proceedings dated 13.07.2026 under Rule 19, Annexure III, Serial No.3, sub-rule (2) of the Tamil Nadu Private Schools (Regulation) Rules, 1974, directing direct payment. Aggrieved by the said proceedings, the present Writ Petition has been filed.

3.The learned counsel for the petitioner further submitted that the Tamil Nadu Private Schools (Regulation) Act, 1973 and the Rules framed thereunder had already been repealed and replaced by the Tamil Nadu Private Schools (Regulation) Act, 2018 and the Rules, 2023. It is



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submitted that neither the 2018 Act nor the 2023 Rules contains any provision enabling the authorities to order direct payment. Therefore, the fourth respondent, by invoking a provision contained in the repealed enactment, has passed the impugned order, which is wholly unsustainable in law. Accordingly, he prayed for allowing the Writ Petition.

4.Per contra, the learned Special Government Pleader appearing for the respondents 1 to 4 submitted that certain provisions of the Tamil Nadu Private Schools (Regulation) Act, 1973 and the Rules, 1974 were challenged before this Court by various private schools and that some of those provisions were struck down by a Division Bench of this Court. Thereafter, another batch of writ petitions came to be filed challenging certain provisions of the Tamil Nadu Private Schools (Regulation) Act, 2018. It is his submission that, in view of the interim order of status quo granted by the Division Bench in the subsequent batch of writ petitions, the authorities continued to invoke the provisions of the earlier enactment. Accordingly, he prayed for dismissal of the Writ Petition.



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5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.The facts of the present case are not in dispute. Admittedly, certain provisions of the Tamil Nadu Private Schools (Regulation) Act, 1973 and the Rules, 1974 were challenged before this Court in ***W.P.No.4478 of 1974, etc., batch [The Society of the Brothers of the Sacred Heart of Jesus, Palayamkottai, Tirunelveli District, represented by Rev. Bro. A. Thomas, SHJ, General Manager and others vs. The State of Tamil Nadu, represented by the Secretary to Government, Education Department, Fort St. George, Madras-9]***. The challenge in the said batch was confined only to certain provisions of the Act and the Rules, which were subsequently declared ultra vires by the Division Bench.

7.Thereafter, when the Tamil Nadu Private Schools (Regulation) Act, 2018 and the Rules, 2023 came into force incorporating certain provisions of the earlier enactment, another batch of writ petitions came to



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WEB be filed in W.P.No.10711 of 2023, etc., batch. By order dated 21.04.2023, the Division Bench of this Court directed maintenance of status quo only in respect of those provisions of the earlier enactment which had been put in issue before the Court. The said interim order does not extend to Rule 19 or any other provision which was not the subject matter of challenge.

8. Therefore, the contention of the learned Special Government Pleader appearing for the respondents 1 to 4 that the impugned order was passed by invoking Rule 19 of the 1974 Rules on the strength of the order of status quo cannot be accepted. Once the 1973 Act and the 1974 Rules stood repealed, and in the absence of any corresponding provision under the 2018 Act and the 2023 Rules authorising direct payment, the fourth respondent could not have invoked the repealed provision. Hence, the impugned order is unsustainable in law.

9. In view of the above, the impugned proceedings of the fourth respondent dated 13.07.2026 are set aside. However, liberty is granted to the



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fourth respondent to proceed with the matter afresh and pass appropriate orders in accordance with the provisions of the Tamil Nadu Private Schools (Regulation) Act, 2018 and the Rules, 2023.

10. Accordingly, this Writ Petition stands allowed to the above extent. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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